



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

April 6, 2016

Mark Minunni
High Falls Operating Co., Inc.
445 St. Paul Street
Rochester, NY 14605

Location: 495 St. Paul Street
File Number: V-050-15-16
Vote: 4-0-0

NOTICE OF DECISION

The request for an Area Variance to demolish a Designated Building of Historic Value as part of a project that includes the construction of a new brewing facility and tank farm for the Genesee Brewery, please take notice that at the Zoning Board of Appeals meeting held on March 24, 2016, said application was **APPROVED on condition:**

The Designated Building of Historic Value located at 495 St. Paul Street must be commemorated on site in a manner to be approved by the Director of Planning and Zoning. The demolition permit and the building permit must be issued simultaneously (i.e. the building cannot be demolished until the new building is ready to be constructed in its place).

Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Peter Siegrist at 585-428-7238 or Peter.Siegrist@cityofrochester.gov to complete the site plan review process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

cc: Pam Mellon and Kelly Diggins, 445 St. Paul Street, Rochester, NY 14605

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: The subject property is part of the 27 acre campus of the Genesee Brewery, which is located in the Center City Riverfront District. The Center City Master Plan principles and objectives include the following:

- Develop the Center City as the dynamic cultural, economic, governmental and institutional center and anchor of the region.
- Develop the Genesee River as a principal feature of Center City.
- Create a pedestrian circulation system that ties Center City together and links the Genesee River, Main Street and key attractions/destinations.

The Genesee Brewery campus is a significant destination that provides views of the waterfall, has nearby access to the Pont De Rennes pedestrian bridge, and creates a striking visual landmark of the City's industrial past, present, and future. The overall project of modernizing the brewery will further the principles and objectives of the Master Plan by creating jobs, increasing tourism, and enhancing the appearance of the site along St. Paul Street.

The demolition of the Designated Building of Historic Value (DBHV) at 495 St. Paul Street is required to make way for a new, 17,500 sq. ft. building to be used for state-of-the-art brewing equipment. The site selection for the new building was driven by a number of factors, including proximity to existing equipment and facilities and minimizing business interruption. The new building has the benefit of maximizing the public impact by filling in the street wall along St. Paul Street and allowing passersby to see into the facility.

The demolition of the DBHV and the construction of the new facilities will have a positive impact on the Brewery and the surrounding neighborhood and will not result in any deterrents to the health, safety and welfare of the community.

2. Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes No X

Finding: St. Paul Street has many large, industrial type buildings, some of which are occupied and some of which are in disrepair. The investment proposed by the Genesee Brewery will have a positive impact on the area by improving the appearance along St. Paul Street and inviting passersby to stop and look in through the windows at the brewing operation.

At the public hearing on March 24, 2016, numerous citizens spoke in favor of the proposal and highlighted the Genesee Brewery's role as a mentor to other businesses in the region's microbrewery industry. The proposal also received numerous letters of support, including from Germanow-Simon Co., located immediately across the street on St. Paul. The overall project to modernize the brewery will have a positive impact on the character of the neighborhood that surpasses the loss of the DBHV.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes ___ No **X**

Finding: The applicant reviewed the entire Genesee Brewery campus during the site selection process. Two other locations were considered, including buildings 8 and 14. However, these locations were unsuitable as they would require business disruption or were located too far from existing brewing operations, eliminating efficiency gains from the new development. The proposed site, which fronts along St. Paul Street and requires the demolition of the DBHV, is the only site which allows the brewery to remain fully functional during construction.

The Brewery also considered saving the façade and integrating it into the new building. However, consultation with demolition professionals indicates that this option was not feasible. The Zoning Board determined that there was no feasible alternative to the variance request.

4. Is the requested variance substantial? Yes ___ No **X**

Finding: The variance request is not substantial in light of the new building that will replace the DBHV. The Preliminary Site Plan Review Findings note that “loss of a building of this age can reasonably be mitigated by giving the public a new building that fills a void in the street wall and displays a significant part of heritage: beer brewing.”

The Landmark Society expressed their support for the proposal, as follows:

Given the relatively small scale of the existing structure, we believe incorporating the historic façade into the larger, modern building would prove to be quite difficult. Further, we believe that a better opportunity would be to focus on creating a new building that combines design elements and material selections found in nearby industrial historical buildings. While saving façades are appropriate in some instances, preservation can also focus on the preservation of street rhythm and the preservation of a strong sense of place.

The variance approval on condition further mitigates the request by requiring the applicant to commemorate the DBHV.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes ___ No **X**

Finding: The overall project will improve the physical and environmental conditions of the neighborhood. The demolition of the DBHV clears the way for the replacement of a surface parking lot with a new building, which is designed to aid in the efficiency of the brewery operations. The new building will fill-in a void in the street wall, creating greater visual continuity along St. Paul Street. In addition, the Rochester Environmental Commission reviewed the proposal and determined that the project would have no significant impact on the natural or historic environment.

6. Is the alleged difficulty self-created?

Yes ____ **No** **X**

Finding: The need to demolish the DBHV derives from the existing configuration of the site. The new facilities must be located in proximity to existing processing operations while at the same time, not overly disrupting the business during construction. As a result, the variance request is not self-created.

Record of Vote:

D. Carr	Absent
R. Khaleel	Approve on condition
D. O'Brien	Approve on condition
J. O'Donnell	Approve on condition
M. Tilton	Absent
E. Van Dusen	Approve on condition

This decision was based on the following testimony and evidence from the February 18, 2016 and March 24, 2016 public hearings:

Supporting Testimony:

Kelly Diggins
Mark Minunni
Mary Beth Popp
Paul Leone
Don Jeffries
Kris Sirchio
Paul Marowitz
Chris M. Hollfelder
Chris Wrest
Len Summer
Andrew Cook
Melissa Sciortino
Micheal Philipson
Andy Germanow
Craig Sessler
Dimitri Gality

Opposing Testimony:

Brian Coutu

Evidence:

Staff Report
Area Variance Application
City Property Information Map
Preliminary Site Plan Findings, dated February 17, 2016
Area Variance Statement of Difficulty
Photographs
Site renderings
Elevations
Personal Appearance Notice
Affidavit of Notification
Speakers' List

Additional information submitted for the 03/24/16 hearing:

Letter from North American Breweries, dated 03/16/16
Letter from BeerBev, dated 03/10/16
Site Plan
Quote from Sessler Wrecking, dated 02/25/16
Quote from The Pike Company, dated 03/16/16
Elevations
Letter from the Landmark Society, dated 03/15/16
Letter from Wright-Beverage Distributing, dated 03/08/16
Letter from NYS Brewers Association, dated 03/08/16
Letter from Teamsters Local Union, dated 03/07/16
Letter from Rochester Red Wings, dated 03/07/16
Letter from Group 14621, dated 03/08/16
Letter from Visit Rochester, dated 03/16/16
Letter from Rochester Rotary, dated 03/15/16
Letter from GRE, dated 03/09/16
Letter from Germanow-Simon Corp. dated 03/16/16
Letter from Greater Rochester Chamber of Commerce, dated 03/16/16
Letter from Greentopia, dated 03/09/16
Letter from CONEA, dated 03/24/16
Letter from Joshua Hunt, Nick Mesrobian, and Christopher Spinelli with Roc Brewing Co., dated 03/22/16
Letter from Lost Borough Brewing, dated 03/22/16
Letter from Jacob and Josh Dummer, dated 03/22/16
Letter from Knucklehead Craft Brewing, dated 03/22/16
Letter from Monroe Community College, dated 03/17/16
Letter from Swiftwater Brewing Company, dated 03/21/16



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Bureau of Planning
and Zoning

April 6, 2015

Burton and Paola Betchart
234 Melville Street.
Rochester, NY 14609

Location: 234 Melville Street
Zoning District: R-1 Low-Density Residential District
File Number: V-056-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to waive the front yard setback associated with the enclosure of the front porch, please take notice that at the Zoning Board of Appeals meeting held on March 24, 2016, said application was **APPROVED**.

Please be advised that as a result of this decision, you must obtain a building permit to legalize the front porch enclosure. This permit should be obtained in the immediate future, or enforcement may continue.

Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete the process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: According to the applicant, the enclosed front porch is a three-season room that continues to be used as a porch (rather than as a storage space or additional room). Receipts for the porch enclosure indicate that the work was done by the previous owner more than a decade ago. The porch enclosure includes large windows that do not significantly alter the character of the front of the home. The variance request will have any detriments to the health, safety or welfare of the community.

2. Will the proposal produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? Yes No X

Finding: Melville Street includes a mix of both open and enclosed front porches. The variance request will not alter the existing pattern along the street and will not produce an undesirable change in the character of the neighborhood.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: The applicant explained that re-opening the front porch is not financially feasible at this time. The request is partially mitigated by the large windows used to enclose the porch.

4. Is the requested variance substantial? Yes No X

Finding: The request is not substantial as there are a number of other homes with enclosed porches in the immediate area. The Beechwood Neighborhood Coalition provided a letter of support for this request.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes No X

Finding: The enclosed front porch was initially discovered by the City when the applicant applied for a permit in 2014 to install solar panels. This variance request will not result in any noise, fumes, or other physical or environmental impact that would adversely impact the neighborhood.

6. Is the alleged difficulty self-created? Yes X No

Finding: The alleged difficulty is self-created, but is not of sufficient concern to override the benefits of granting this variance on condition.

Record of Vote:

D. Carr	Approve
R. Khaleel	Absent
D. O'Brien	Approve
J. O'Donnell	Approve
M. Tilton	Absent
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

Supporting Testimony:

Burt Betchard
Joe DiFiore

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application
City GIS Map
Statement of Difficulty
Floor Plan
Photographs
Survey Map
Notice and Order, dated Dec. 22, 2014
Letter from the Director of Planning and Zoning to Mr. Betchart, dated Dec. 2, 2015
Receipts
Letter from Beechwood Neighborhood Coalition, dated March 23, 2016
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

April 6, 2015

Chau Van Le
824 S. Goodman Street
Rochester, NY 14620

Location: 824 S. Goodman Street
Zoning District: R-1 Low-Density Residential District
File Number: V-058-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize an unheated, attached storage shed in the rear yard of a single family dwelling that does not meet the side yard setback requirement, and to legalize the paved rear yard that exceeds lot coverage requirements, please take notice that at the Zoning Board of Appeals meeting held on March 24, 2016, said application was **APPROVED on condition:**

**The shed roof must be removed and replaced with a gable end roof.
The shed and vestibule facing the driveway must be sided to match
the house.**

Please be advised that as a result of this decision, you must obtain a building permit to legalize the attached shed and the rear yard parking area. This permit should be obtained in the immediate future, or enforcement may continue.

Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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cc: Randal Peacock, 339 East Avenue, Suite 205, Rochester, NY 14604

Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: Shed: The shed was constructed to cover a basement access bulkhead and store tools and outdoor furniture as there is no garage and the basement is small and inaccessible. A shed located in the rear yard is a typical accessory structure found in the R-1 low density residential district. The variance approved on condition will significantly improve the appearance of the shed and the vestibule by requiring that both are sided to match the house. In addition, the roof of the shed must be changed to be more compatible with that of the house.

Paved rear yard: The paved rear yard permits the homeowner to turn his car around and pull forward out of the driveway onto S. Goodman Street. The property is located on a block just south of the S. Goodman and S. Clinton intersection where traffic is often very heavy. The excess pavement exceeds the lot coverage limitation, which does not harm the neighborhood. The welfare of the occupants and the neighborhood is improved by cars no longer backing out onto S. Goodman Street.

2. Will the proposal produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? Yes No X

Finding: Shed: The shed is not visible from the public right-of-way and will not impact the character of the neighborhood or be a detriment to nearby properties.

Paved rear yard: The paved rear yard is concealed by a 6' tall fence. A gravel perimeter of roughly 24" wide allows storm runoff to percolate into the soil, without running onto the neighbor's property. Other nearby properties also have significant lot coverage, as evidenced by the Google Earth satellite images.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: Shed: The shed is 130 sq. ft. in size, which does not typically require a building permit. However, since it is attached to the house, it requires a building permit and it must meet the side yard setback requirement. Alternatively, the applicant could have installed an unattached shed elsewhere in the rear yard without issue. However, as the shed serves as storage and as cover for the basement access bulkhead, it must be attached to the home in its current location.

Paved rear yard: The lot is very small at 33' x 100' in size. Using the rear yard for parking and as a turn-around area is the only means of enabling parked cars to pull out of the driveway facing forward.

4. Is the requested variance substantial?

Yes ___ No X

Finding: Shed: The side yard setback of the shed is similar to that of the existing house. As a result, the variance request is not substantial.

Paved rear yard: The survey map indicates that the lot coverage is approximately 42%. The addition of 1,200 sq. ft. of paving in the rear yard increases the lot coverage to 85%. While the percentage increase seems large, a parking area of 1,200 sq. ft. is not substantial.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?

Yes ___ No X

Finding: Shed: The shed was approved on condition that the roof is changed and that it is sided to match the house. These conditions will improve the visual appearance of the shed.

Paved rear yard: The paved rear yard will not result in any drainage issues for the neighbors.

There are no other physical or environmental considerations resulting from these variance requests.

6. Is the alleged difficulty self-created?

Yes X No ___

Finding: The alleged difficulty is self-created, but is not of sufficient concern to override the benefits of granting these variances.

Record of Vote:

D. Carr	Approve on condition
R. Khaleel	Absent
D. O'Brien	Approve on condition
J. O'Donnell	Approve on condition
M. Tilton	Absent
E. Van Dusen	Approve on condition

This decision was based on the following testimony and evidence:

Supporting Testimony:

Randall Peacock

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application
City GIS Map
Statement of Difficulty
Survey Map
Site Plan
Elevation
Floor Plan
Photographs
Google satellite images
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

April 6, 2016

Alex White
Regrow Rochester Dev.
891 Monroe Avenue
Rochester, NY 14620

Location: 1058 Exchange Street
Zoning District: R-1 Low-Density Residential District
File Number: V-059-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for a Use Variance to re-establish use of a property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months, please take notice that at the Zoning Board of Appeals meeting held on March 24, 2016, said application was **APPROVED**.

Please be advised that as a result of this decision, you must obtain a building permit to re-establish the property as a two-family dwelling. This permit should be obtained in the immediate future, or enforcement may continue.

Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Can the applicant realize a reasonable return as shown by competent financial evidence? Yes ___ No X

Finding: The applicant submitted three Statements of Income and Expense that list the property as a single family with a rent of either \$950, resulting in a rate of return of 0.3%. Based on the documentation provided, the cost of de-converting the property to a single family is \$33,000. The average assessed value in the area is approximately \$40,000. Given the investment required to de-convert the property, neither renting it nor selling it as a single family dwelling will result in a reasonable rate of return.

2. Is the alleged hardship relating to the property unique? Yes ___ No X

Finding: The subject property is 1,808 sq. ft. and has six bedrooms. According to the applicant, it is one of the largest vacant homes in the area. As a result, the home is undesirable as a single-family dwelling.

3. Is the alleged difficulty self-created? Yes ___ No X

Finding: The applicant purchased the property from the City auction with full knowledge it had lost its rights as a two-family and need to be deconverted to a single family. The applicant intended to deconvert the property if the costs were reasonable, or apply for a use variance if not. As the applicant was not able to examine the inside of the property prior to purchase, he had no way of determining the costs of deconversion until after he had purchased it.

4. Will the requested use variance, if granted, alter the essential character of the neighborhood? Yes ___ No X

Finding: The neighborhood includes a mix of single family and two-family residences. If the subject property is maintained as a two-family, it will not change the character of the area.

5. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes ___ No X

Finding: The applicant could de-convert the property to a single-family home; however, it would not generate a reasonable rate of return.

Record of Vote:

D. Carr	Approve
R. Khaleel	Absent
D. O'Brien	Approve
J. O'Donnell	Approve
M. Tilton	Absent
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

Supporting Testimony:

Alex White
Christian Nelson
Mary D'Alessandro
Elizabeth Doupetta

Opposing Testimony:

None

Evidence:

Staff Report
Use Variance Application
City Property Information Map
Statement of Unnecessary Hardship
Statement of Income and Expense
Parking analysis
Landlords Insurance Quote, dated February 10, 2016
Floor Plans
Analysis of single and multi-family dwellings
Photographs
Petition, including 37 signatures
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

April 6, 2016

Phil Dotson
410 Atlantic Avenue
Rochester, NY 14609

Location: 800 Emerson Street
Zoning District: M-1 Industrial District
File Number: V-061-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize two internally illuminated signs for "Elder One" on the front and rear of the building, not meeting certain sign requirements, please take notice that at the Zoning Board of Appeals meeting held on March 24, 2016, said application was **APPROVED on condition: the signs can only be illuminated from 7:00 am to 6:00 pm, daily.**

Please be advised that as a result of this decision, you must obtain a sign permit to legalize the attached signs for "Elder One". This permit should be obtained in the immediate future, or enforcement may result.

Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: In testimony the applicant explained that the internally illuminated signs will assist customers in finding the entrances along the front and rear of the building. The operating hours for Elder One are 8:00 am to 5:00 pm. Therefore, the Zoning Board determined that allowing the signs to be lit between 7:00 am and 6:00 pm daily is reasonable. The Zoning Board decision balances the applicant's need for clear wayfinding with the community's need to have unobtrusive signage facing a residential neighborhood.

2. Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes No X

Finding: The north side of Emerson Street is located in the M-1 Industrial District, while the south side is in the R-1 Low Density Residential District. The proposed signs are reasonable in size and location, however, internal illumination is not permitted. The building is setback approximately 40' from Emerson Street, which will limit the amount of light that can be seen by the residential dwellings nearby. The sign on the rear of the building is not visible from the public right-of-way and faces a parking lot. The variance request will not result in any undesirable change to the character of the neighborhood.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: There is no alternative that would fit with the architecture of the building.

4. Is the requested variance substantial? Yes No X

Finding: The proposed signs are 4' x 9.5' and 2' x 5'. Given the size of the building, the signs are relatively small and will mostly serve to identify the entrances to the Elder One office. Adding internal illumination to these signs is not a substantial request.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes No X

Finding: The variance does not result in any adverse impact such as noise, odor, or flashing lights.

6. Is the alleged difficulty self-created? Yes X No

Finding: While the difficulty is self-created, internal illumination is necessary to assist customers in identifying the entrances in an otherwise large facility.

Record of Vote:

D. Carr	Approve on condition
R. Khaleel	Absent
D. O'Brien	Approve on condition
J. O'Donnell	Approve on condition
M. Tilton	Absent
E. Van Dusen	Approve on condition

This decision was based on the following testimony and evidence:

Supporting Testimony:

Phil Dotson

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Sign Renderings
Site Plan
Personal Appearance Notice
Affidavit of Notification
Speakers' List



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Bureau of Planning
and Zoning

April 6, 2016

James A. Boglioli, Esq.
Delta Sonic Car Wash Systems, Inc.
570 Delaware Avenue
Buffalo, NY 14020

Location: 718 East Main Street, et al.
Zoning District: C-2 Community Center / Marketview Heights Urban Renewal District
File Number: V-064-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to redevelop the existing Delta Sonic vehicle service operation and associated high-impact retail store, not meeting certain city-wide design standards or sign requirements, please take notice that at the Zoning Board of Appeals meeting held on March 24, 2016, said application was **APPROVED on condition:**

The LED sign displays can only be changed once every 10 minutes. The LED signs must comply with the following sections of the City Code:

- **120-177(F)(6): No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, or moving lights or other attention-attracting devices.**
- **120-177(F)(7): Any illuminated sign shall employ only lights emitting a light of constant intensity.**

Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained. Please contact Jason Haremza at 428-70761 or Jason.Haremza@cityofrochester.gov to complete the site plan review process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: The variance request for signage will not cause any detriment to the health, safety, and welfare of the community. At the same time, the request would benefit the applicant by contributing to the overall site redevelopment, which includes providing additional services, improved aesthetics (building and landscaping), and improved traffic flow and circulation. In addition, the variance approval on condition ensures that the LED signs will not cause a distraction to drivers.

2. Will the proposal produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? Yes No X

Finding: The property is an existing Delta Sonic Car Wash with gas service and a 1,025 s.f. convenience store. The existing convenience store is located under the gas canopy, which is set back into the site. The project will result in the demolition of the existing convenience store and the incorporation of that store into the existing carwash building, bringing the site more into compliance with the current Zoning Code.

The site currently has 545 s.f. of signage, which includes a 20' tall legally nonconforming freestanding sign with approximately 244 s.f. of signage. The new plan will result in a decrease of the overall signage to a total of 525 s.f. In addition, the existing 20' high freestanding sign is proposed to be removed and a more compliant ground sign with 22 s.f. of signage and 6.1' tall is proposed in its place.

This is a very large site, containing multiple uses, including a carwash, convenience store and gas station. As a result of the large size of the project and the three distinct uses, additional signage is required. The proposed signage is consistent with other signage in the area. With respect to the proposed signage, both the Sunoco and Fastrac have similarly situated signage as demonstrated in the variance submission materials. Further, both Sunoco and Fastrac maintain canopy fascia signs similar to the one proposed by Delta Sonic.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: The sought-after benefit cannot be achieved without the requested variance. As demonstrated by the application materials, the project will result in significant improvements to the site and the area. The property currently maintains 545 s.f. of existing signage and the proposed project will reduce the signage below that which exists.

4. Is the requested variance substantial?

Yes ___ No X

Finding: The request is not significant as the proposed signage has a similar amount of s.f. and the existing 20' tall sign is being reduced in height.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?

Yes ___ No X

Finding: In reviewing the entire project, including the proposed underground storage tanks, the variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

6. Is the alleged difficulty self-created?

Yes ___ No X

Finding: The variance for the proposed signage is required because of the nature of the Delta Sonic operation and its multiple uses.

Record of Votes:

D. Carr	Absent
R. Khaleel	Approve on condition
D. O'Brien	Approve on condition
J. O'Donnell	Approve on condition
M. Tilton	Absent
E. Van Dusen	Approve on condition

This decision was based on the following testimony and evidence:

Supporting Testimony:

James Bogolioli
Mike Green

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application
City Property Information Map
Preliminary Site Plan Findings, dated March 11, 2016
Letter of Intent, dated March 9, 2016
Statement of Difficulty
Google Earth Satellite Map
Site Plan
Elevations
Photographs
Sign Renderings
Sign Location Plan
Floor Plans
Personal Appearance Notice, Affidavit of Notification and Speakers' List